

REGULAR MONTHLY MEETING
Mayor and Council
Borough of Harrington Park, New Jersey
November 21, 2016

(PAH) Call Meeting to Order

Time: 7:04pm

Mayor's Announcement:

In compliance with Chapter 231, Public Law 1975, adequate notice of this meeting was made. It is posted on the bulletin board in the Municipal Center. Copies have been emailed to the BERGEN RECORD, SUBURBANITE and THE NORTHERN VALLEY PRESS. A copy has been filed with the Borough Clerk, and copies have been mailed to individuals requesting the same.

(ALB) Roll Call:

	PRESENT	ABSENT
Council		
NAPOLITANO(AN)	X	
EVANELLA (GE)	X	
WALKER (DW)	X	
FITZGERALD (LF)	X	
PEDERSEN(JP)	X	
CHUNG (JC)	X	

Also present:

Mr. John R. Dineen, Borough Attorney (JRD)
Ms. Ann H. Bistriz, Borough Clerk/Admin. (ALB)
Mr. Kunjesh Trivedi, CFO/CTC

(PAH) Flag Salute

MEETING PROCEDURE:

- 1. Call Meeting to Order (Mayor)**
- 2. Mayor's Announcement (Mayor)**
- 3. Roll Call (Borough Clerk)**
- 4. Flag Salute (Borough Clerk)**
- 5. Minute Approval(s) (Mayor & Borough Clerk)**
- 6. Correspondence (Borough Clerk)**
- 7. Reports of Committees (Council Members)**
- 8. Old Business**
- 9. New Business**
- 10. Mayor's Report-Remarks, Announcements, Proclamations**
- 11. Public Discussion-Open-Motion**
- 12. Public Discussion-Close-Motion**
- 13. Ordinance (s)**
- 14. Ordinance (s) Second Reading**
- 15. Closed Session-Motion-Second**

16. Adjournment

(PAH) Suspend Regular Order of Business

Motion GE

Second JP

Vote AIF

Presentation from Jonathan Pankauski Eagle Scout Candidate –Sign for Harrington Park Ambulance Corps

Prospective Eagle Scout Candidate explained his project to construct a sign on the property to the side of the ambulance building that would be about 13’ from Short Place and 8’ from Kline Street. The footings of the sign will be covered with crushed stone and pavers to be esthetically pleasing.

The sign will be single sided and will be made of composite material.

Mr. Pankauski was instructed to speak with Mr. Zavardino to ensure nothing is infringing on any lines of site. Written permission is also required from the Corps. Mr. Pankauski submitted an email with the signature of the President of the HPVAC on the Eagle Scout form, but there is nothing official from the organization. He would like the sign lit 24/7, however, Council requested that the lights be turned off earlier in the evening, taking the surrounding residents into consideration.

Motion for approval-GE

Second-JP

Discussion PAH reiterated that the line of site be considered. AN requested a signed letter from the President of the HPVAC.

Roll Call vote-AIF

(PAH) Return to the Regular Order of Business

Motion GE

Second DW

Vote AIF

(PAH) Minutes Approval:

October 5, 2016-Special Meeting

Motion GE

Second JP

Discussion None

Vote AIF

October 17, 2016-Regular Meeting (JC abstain)

Motion GE

Second JP

Discussion None

Vote AIF, abstention JC

(PAH) Consent Correspondence

SEE ADDENDUM “AA”

Consent Correspondence be accepted and become a part of this meeting without Discussion

Motion JP
Second AN
Vote AIF

(PAH) Consent Agenda-Resolutions

All matters listed under this section are considered to be routine by the Borough Council and will be enacted by one motion as listed below. There will not be separate discussion of these items. Should discussion be desired, that item will be removed from the Consent Agenda and will be considered separately under New or Old Business on the Agenda.

Addendums A-F

Membership Approval Harrington Park Volunteer Fire Department A

Roadway Boring PSEG B

Approving Right-Of-Way Use to Cross River Fiber C

Budget Transfer D

Payment of Claims E

Authorizing the Engagement of a Website Hosting Company F

Motion JP

Second AN

Discussion GE noted that the new member of the HPVFD William Sposa has been an acquaintance of his since high school and is an asset to our Department. Chief Roem intends on using his Marine Corps aviation experience and expertise in fire suppression for training of the members of the HPVFD.

Vote AIF

Individual Committee Reports

(AN) Planning Bd., Bd. of Adjustment, Construction, Fire, Ambulance

October Reports:

Building Department:

\$11,000 + which is down from 2015

Fire Department:

19 calls, 2 drills, 2 inspections, 1 mutual aid drill, 1 school bus extraction drill in Bergenfield.

Department attended the Rockland County Fire Chiefs' Parade-only NJ

Department to be invited.

Northern Valley Chiefs' Parade –Juniors took 1st Place and Truck 561 took 1st Place for best working truck.

Truck 569 will need brake work.

AN has requested a list of all needs and equipment for budgetary purposes

(GE) Police, Municipal Court, Personnel

October Report:

443 Calls 117 Traffic Details

4 Criminal, 2 Fraud, 2 Halloween mischief related calls

42 Summonses, 749YTD

12 collisions

Overtime-\$65,000YTD

O/E \$42,800

(DW) DPW, Recycling, Building & Grounds, Sanitation/Recycling

Wood chipper toured the town through October 24th. Will commence again at the end of December after leaf collection.

October 4-Fall decorations around town.

Trees were planted on the island on Highland Avenue and by the entrance to the Borough Hall parking lot.

DPW participated in Government Day at Borough Hall.

Curbside Pickup-54.55 tons, Recycling Center 15.77 tons.

(LF) Board of Health, Environmental Commission

Pet census planned for Spring 2017

Environmental Commission;

Clean up October 8 at Swim Club

Requested the mulch to be spread out at the playground at George Street Park.

(JP) Finance, Exec. & Admin., Grants

Mr. Trivedi will be meeting with department heads soon for 2017 budget.

(JC) Recreation Commission, Liaison to Board of Education, Public Information

Board of Education: Brenda Cho and Laura Wood were reelected to the Board of Education. They were thanked for their time and effort.

Dr. Fried has received the 2016 Superintendent of the Year Award for the Northern Region of New Jersey and has been nominated for the 2017 (finalist) for Superintendent for New Jersey.

Digital Integration will now be incorporated into the learning program at the school as a means to enhance the experience. Students in the 6th grade can Skype with students in Spain.

The BOE is planning to refinance their bond which will provide significant tax savings for residents.

Recreation:

Meeting cancelled 11/16 due to lack of quorum

Thank you to all those who worked on the Ragamuffin Parade. It was a great day.

Junior Woman's Club, DPW, Fire Department, HPVAC, Teens for Tomorrow, Police and Harrington Park Homemade mad the day quite special.

(PAH) Mayor Hoelscher

Congratulation to Councilman Evanella and Councilwoman Walker for their re-election to office. All look forward to working with both for the upcoming three years.

Parking on Spring Street-with the new construction at the school, many cars are parking on Spring Street making it difficult for residents to pull out of their driveways. Dr. Fried has informed the Mayor that 20 additional spaces will be added on the school grounds which should help ease this problem.

(ALB) Ann H. Bistritz, Clerk/Admin.

Old Business

(JC) Announced that the new website for the Borough will be launched by February and will enhance the usability of the site for our residents.

(JC) Letters were sent by Mr. Dineen to extend the 1 year option of service of Miele Sanitation and IWS as per our contract which ends December 31, 2016. An email vote was taken on October 21st and a motion is necessary to be memorialized in the minutes.

Motion JC

Second AN

Roll Call Vote AIF

New Business

(DW) The roof on the DPW garage is over 25 years old and is need of replacement or major repair. This will have to be addressed in next year's budget.

Council members suggested that Neglia Engineering take a look before we reach out to any contractors.

The Part Time DPW Recycling Center attendant has resigned. ALB will provide DW the resumes and applications that were submitted on last hiring.

(PAH) A RESOLUTION SUPPORTING S-2663 and A-4234-Invenstments of JIF

Addendum G

Hold for December meeting.

(PAH) Interlocal Agreement with Borough of Closter for Senior Van Services

Addendum H

Motion GE

Second JC

Discussion AN inquired if the addition of another municipality will cause any adversity for our residents. PAH explained that there will be no impact on our residents. The driver of the van has assured Haworth and Harrington Park that if an additional driver is required he will let the participating towns know. With the Borough's endorsement of this agreement, if additional expenses are incurred or required, Closter will be involved with the costs.

Vote

(PAH) In Support Of Senate Bill S-2254 and Assembly Bill A-3821 Which Affirms the Language and Legislative Intent of the Fair Housing Act

Addendum I

Hold until December

ORDINANCES AND RESOLUTIONS

(PAH) Mayor's Report

- Happy Thanksgiving to everyone
- The school started constructing their new playground on Borough property. As of now the project has been halted and the school will relocate the equipment.

- All residents are reminded to conserve water since the State of New Jersey is under drought watch.
- Harrington Park received the Bronze Award for Sustainable New Jersey. Thank you Dr. Schran and the members of the Environmental Commission and Green Team. Out of the 70 participating municipalities, Harrington Park is the only one who has been awarded the Bronze Award for 5 consecutive years.
- A Welcome to Harrington Park booklet will be available to new residents in the near future. Thank you to Joanne Scalpello for spearheading this project.

Meeting Open to Public

Motion GE

Second JP

Vote AIF

Meeting Closed to Public

Motion GE

Second JP

Vote AIF

Closed Session Time: 7:48PM

Motion GE

Second JP

Vote AIF

RESOLUTION

WHEREAS, N.J.S.A. 10:4-12 permits a public body to conduct business in Closed Session during a public meeting; and

WHEREAS, the Mayor and Council deem it necessary to discuss certain matters in Closed Session as permitted by the aforesaid statute.

1. Potential Litigation-Sidewalks/Property Maintenance
2. Negotiations-Mutual Aid/Interborough First Responders

BE IT FURTHER RESOLVED that discussion of the aforementioned subjects may be made public at such time as disclosure of the discussion will not detrimentally affect the interest and Borough as to said discussion.

Return to Open Session Time: 8PM

Motion GE

Second JP

Vote AIF

Adjournment Time: 8:17pm

**Motion GE
Second AN
Vote AIF**

**Addendum A
Resolution 2016-165
Membership Approval Harrington Park Volunteer Fire Department**

To approve the admittance of William A. Sposa, Norwood, New Jersey as an active member in the Harrington Park Volunteer Fire Department and shall also be approved for membership in the New Jersey's State Fireman's Association.

**Addendum B
Resolution 2016-166
Roadway Boring PSEG**

Therefore Be It Resolved that the Mayor and Council of the Borough of Harrington Park approve borings for soil samples at the following locations for the purposes of identifying locations for the 2017 Gas Main Replacement Program:

Street	Town	Between Street 1	Between Street 2	Size (in)	Length (ft)
Herring St	Harrington Park	Harriot Ave	Hackensack Ave	12	1200
Hackensack Ave	Harrington Park	Herring St	Lafayette Rd	12	350
Lafayette Rd	Harrington Park	Hackensack Ave	Blanche Ave	12	4030
Kohring Cir	Harrington Park	Demarest Pl	Highland Ave	2	1560
Old Jug CT	Harrington Park	Kohring Cir	End	2	335
Demarest Pl	Harrington Park	Tappan Rd	Kohring Cir	2	510
Highland Ave	Harrington Park	Tappan Rd	Livingston St	2	1400

**Addendum C
Resolution 2016-167
APPROVING RIGHT-OF-WAY USE TO CROSS RIVER FIBER**

WHEREAS, Cross River Fiber LLC ("Cross River Fiber"), seeks to place its telecommunication facilities aerially on existing utility poles or in an underground conduit in the Public Rights-of-Way within the **Borough of Harrington Park** for the purpose of owning, constructing, installing, operating, repairing and maintaining a telecommunications system; and

WHEREAS, Cross River Fiber was approved by the New Jersey Board of Public Utilities to provide local exchange and interexchange telecommunications services throughout the State; and

WHEREAS, N.J.S.A. 48:3-19 requires Cross River Fiber to obtain the consent of the **Borough of Harrington Park** for the joint use of any existing utility poles; and

WHEREAS, N.J.S.A. 54:30A-124(a) provides that a municipality may not impose any fees, taxes, levies or assessments in the nature of a local franchise, right of way, or gross receipts fee, tax, levy or assessment against telecommunications companies but that a municipality may impose reasonable fees for actual services made by any municipal, regional or county governmental agency; and

WHEREAS, it is in the best interests of the **Borough of Harrington Park** and its citizens to grant consent to Cross River Fiber; and

WHEREAS, the consent granted is for the non-exclusive use of the Public Rights-of-Ways for the purpose of owning, constructing, installing, operating, repairing and maintaining a telecommunications system subject to the terms and conditions of the attached Use Agreement with Cross River Fiber.

NOW THEREFORE BE IT RESOLVED, by the **Mayor and Council of the Borough of Harrington Park**, that the **Borough of Harrington Park** is hereby authorized to grant Cross River Fiber a non-exclusive use of the Public Rights-of-Ways for the purpose of owning, constructing, installing, operating, repairing and maintaining a telecommunications system; and

BE IT FURTHER RESOLVED, that the Mayor and Clerk are hereby authorized to execute any and all documents necessary to effectuate this Resolution.

Addendum D
RESOLUTION 2016-168
Budget Transfer

BE IT RESOLVED by the Mayor and Council of the Borough of Harrington Park that upon the recommendation of the Chief Financial Officer, the following transfers be made at this time between 2016 Budget line items.

From:

6-01-26-290-000-299	\$10,000.00
(Road Repairs-Maint OE)	
6-01-32-465-000-211	\$15,000.00
(Dumping Fee/Landfill)	
Total From	<u>\$25,000.00</u>

To:

6-01-21-180-000-299	\$25,000.00
(Planning Board OE)	
Total To:	<u>\$25,000.00</u>

Addendum E
Resolution 2016-169

WHEREAS, claims have been submitted to the Borough of Harrington Park in the following amounts under various funds of the town:

Current Appropriations (2016)	\$ 784,716.39
Current Appropriations (2015)	\$ 0.00

Total \$ 842,942.72

Whereas, Engineering Solutions, Old Tappan, New Jersey hosts and maintains the current website and in the past has performed its services admirably and to the benefit of the Borough;

Whereas, the Mayor and Council of the Borough of Harrington Park is desirous to update the municipal website with a new format enabling enhanced viewing on hand held and smaller cellular and computer devices; and

Whereas, Engineering Solutions has provided an estimate of no more than \$5000 to create a new website for the Borough of Harrington Park; and

Whereas, the new website will contain all information for 2016 and years moving forward and will be linked to the old website to archive and have accessible information to the public; and

Whereas, Engineering Solutions has also provided an estimate of no more than \$5000 annually to maintain the old and new websites; and

Whereas, the Public Information Committee is satisfied with the proposal that was submitted by Engineering Solutions as being responsible and satisfies the best interest of the Borough and furthermore do to the fact that it is a hybrid of ministerial and creative abilities it is determined to be an extraordinary unspecifiable service pursuant to N.J.S.A. 40 A: 11-5 et seq.;

Whereas, the Chief Financial Officer of the Borough of Harrington Park has certified that sufficient funds are available for this purpose.

Now, therefore be it resolved that the Borough of Harrington Park, County of Bergen, State of New Jersey that it hereby awards and authorizes the services of Engineering Solutions to perform website services within the estimates set forth above in accordance with the submitted proposal; and

Be it further resolved, that this service shall commence January 1, 2017 and this resolution shall be published according to law.

Addendum G
RESOLUTION 2016-171
SUPPORTING S-2663 and A-4234

Whereas: Almost all local units of government and Boards of Education in New Jersey including Borough of Harrington Park secure insurance through governmental entities known as joint insurance funds (hereinafter JIFs),

Whereas: Existing law limits JIFs to investments otherwise authorized for local governmental entities and Boards of Education,

Whereas: Insurance mechanisms such as JIFs have different cash flow needs than local government and Boards of Education,

Whereas: Existing law greatly limits the potential investment earnings, currently less than 1% on investments of approximately \$1 billion,

Whereas: S-2663 and A-4234 would permit JIFs to invest in debt obligations of any governmental entity established under the laws of the State of New Jersey and federal agencies or governmental corporations,

Whereas: While the range of investments permitted by S-2663 and A-4234 is still very conservative, it would save the taxpayers at least \$10 million per year,

Whereas: S-2663 and A-4234 would also reduce interest expense for local units of government and Boards of Education by creating an additional purchaser of their bonds, and

Whereas: S-2663 and A-4234 would also permit JIFs to join together and create a joint investment and cash management program further increasing investment income.

NOW THEREFORE BE IT RESOLVED by the Borough of Harrington Park that:

1. Legislature is urged to adopt S-2663 and A-4234 and
2. A copy of this resolution shall be sent to all area legislators as well as the Governor, Commissioner of the Department of Banking and Insurance and the Commissioner of the (Department of Community Affairs or Department of Education as appropriate.).

Addendum H
Resolution 2016-172
2017 Senior Transportation Services
Interlocal Agreement with Closter

WHEREAS, the Borough of Haworth and Harrington Park participate in an Inter-local Agreement in connection with the sharing of van services providing transportation to senior citizens for FY 2017; and,

WHEREAS, the Borough of Closter is seeking approval to share the van services through an Inter-local Agreement with the Borough of Haworth and Harrington Park; and,

WHEREAS, the Borough of Closter desires to apply for and obtain a grant from the County of Bergen, Division of Community Development for \$9,000 to enhance the quality and availability of an inter-local transportation service available to our senior and disabled population,

WHEREAS, this resolution does not obligate the financial resources of the municipality and is intended solely to expedite expenditure of the aforesaid Community Development funds,

NOW, THEREFORE BE IT RESOLVED the Borough of Harrington Park agrees that the Borough Closter shall join in the Interlocal with the Borough of Haworth, which serves as Lead

Agency to administer the Grant Agreement, through the Community Development program with the County of Bergen

BE IT FURTHER RESOLVED that a copy of this Resolution shall be sent to the Director of the Bergen County Community Development Program so that the implementation of the aforesaid project may be expedited.

Addendum I
RESOLUTION 2016-173
IN SUPPORT OF SENATE BILL S-2254 AND ASSEMBLY BILL A-3821 WHICH
AFFIRMS THE LANGUAGE AND LEGISLATIVE INTENT OF THE FAIR HOUSING
ACT

WHEREAS, the Borough of Harrington Park supports the provision of affordable housing in a reasonable, rational and achievable way, consistent with economic realities and sound planning; and

WHEREAS, pursuant to the March 2015 New Jersey Supreme Court order which transferred oversight of the Fair Housing Act (FHA) to the courts, hundreds of municipalities filed declaratory judgment actions to voluntarily comply with their State imposed affordable housing requirements; and

WHEREAS, in February, the Ocean County Superior Court included a distinct “gap period” analysis retroactively over an additional 16 year period, separate and apart from the normal 10 year present and prospective need; and

WHEREAS, the Appellate Division recently in a unanimous decision overturned the February Ocean County Superior Court decision and held that municipalities are only responsible to address the ten year present and prospective need, not any “gap period” number; and

WHEREAS, the New Jersey Supreme Court has, for the stated purposes of, “...judicial economy and efficiency based on the large number of actions involved. The Court makes no findings as to the reasonable probability of success on the merits, irreparable harm, or the relative hardship to the parties,” agreed to hear an appeal of the Appellate Division ruling in late November; and

WHEREAS, the Fair Housing Act (FHA) and existing case law, requires that “present and prospective fair share of the housing need in a given region ... shall be computed for a 10-year period.” [N.J.S.A. 52:27D-307(c)]; and

WHEREAS, the “gap issue” arises out of the inability of the New Jersey Council on Affordable Housing to promulgate third round regulations from 1999 to the present or make any final determination as to state and regional housing need, as well as constant litigation by certain groups; and

WHEREAS, any retroactive “gap” obligations could have significant and unfunded impacts on municipalities, may double count households under both present and prospective need, and will likely result in forcing municipalities and their property taxpayers to subsidize development; and

WHEREAS, this issue needs a resolution which provides both certainty and an achievable path forward so municipalities can proceed with planning for and implementing their affordable housing obligations;

WHEREAS, Senate Bill S-2254, sponsored by Senators Greenstein and Bateman, and Assembly Bill A-3821, sponsored by Assemblymen DeAngelo and Benson, re-affirm the language and legislative intent of the Fair Housing Act, so as to preclude significant unfair impacts and instead further progress toward a more rational statewide housing policy, including reasonable and achievable obligations for municipalities, facilitate municipal compliance and the actual provision of affordable housing.

NOW, THEREFORE, BE IT RESOLVED, on this 21 day of November, 2016 by the Borough of Harrington Park, County of Bergen, that:

1. Borough of Harrington Park strongly urges New Jersey Legislators to immediately reaffirm the language and legislative intent of the Fair Housing Act (FHA) and expressly clarify that the municipal affordable housing share is the sum of present and prospective need for the enumerated ten year period.
2. Borough of Harrington Park supports Senate Bill S-2254 and Assembly Bill A-3821.
3. Copies of this resolution be distributed to the Governor, the Lieutenant Governor, the President of the New Jersey Senate, the Speaker of the New Jersey General Assembly, the Legislative Sponsors, Senator Cardinale Assemblywoman Shepisi, Assemblyman Auth, Senator Jeff Van Drew, Senator Ronald Rice, Assemblyman Jerry Green and Assemblywoman Mila Jasey, the New Jersey League of Municipalities and the New Jersey Conference of Mayors.

Addendum AA Correspondence

10/18/2016

Recycling Update-BCUA

Phoenix Tower Notice of Sublease

Rockland Electric Rate Increase Public Notice.

Deficiency Notice was provided by the County Assignment Judge regarding our Court Room situation.

10/20/2016

NJDOT has advised that all road projects that were suspended my commence at the earliest convenience.

NJDEP No Further Action-83 Adams Street.

10/24/2016

JIF 30 Year Anniversary Brochure (copies to distribute to Council)

10/26/2016

Correspondence (Dineen) requesting extension of immunity for the Borough regarding COAH mandates. Notification of Extension of Contract options for IWS and Miele Sanitation (Dineen).

10/27/2016

Notice of Public Hearing Township of River Vale Planning Board Master Plan.

10/31/2016

BCJIF Annual Public Meeting Notice.

PSEG Road opening 55 1st Street

Recycling Update-BCUA-November 2016

11/3/2016

Public Notice from Old Tappan: Reexamination of the Master Plan of Old Tappan November 9, 2016.
11/4/2016

Updates in the North Jersey Media Group Advertising options and policy
11/8/2016

Request from resident at 61 Spring Street for consideration of parking and traffic between Harriot Avenue and Hackensack Avenue (forwarded to police).

Neglia Monthly Report-November 7, 2016.
11/9/2016

NJLM Bulletin October 2016.

11/14/2016

NJLM Bulleting October 2016

2017 Mobile Shredding Request form.

DCA Supplemental Debt Statement for HP BOE

11/15/2016

(received 11/14/16) – Board of Taxation is considering putting all Municipal Tax Maps on the Bergen County website. Board is requesting your most current tax map in PDF format.

(received 11/14/16) – Order extending temporary immunity from Mount Laurel lawsuits to 1/31/17 on behalf of HP (from J. Dineen)